In the High Court of Punjab & Haryana at Chandigarh.

Civil Revision No.3827 of 2007.

Date of decision : 3.8.2007.

Raj Karan Singh .... Petitioner.

vs

Jaswinder Kaur .... Respondent.

Before : Hon'ble Mr. Justice R.S.Madan.

Order.

Present: Mr. Ashok Kumar Khunger, Advocate,for the petitioner.

*R.S.Madan, J.(oral)*

This revision petition is directed against the order dated 17.7.2007, rendered by learned Civil Judge (Junior Division), Abohar, vide which she dismissed the application of the petitioner- defendant for recalling the respondent- plaintiff's witnesses for further cross-examination.

An application was moved before the trial court on behalf of the petitioner- defendant for permitting the petitioner to recall the witnesses examined by the plaintiff for further cross-examination on the averments made in preliminary objection no.3 of his written statement, wherein he has specifically raised the defence that plaintiff and her husband had obtained signatures on blank stamp papers as security. It was further pleaded that the parties have been dealing with each other in the sale and purchase of combine harvester and inadvertently his counsel could not cross-examine the plaintiff's witnesses effectively and sought permission to recall the said witnesses for further cross-examination.

The application was opposed by the plaintiff on the ground of its maintainability and other averments contained therein were denied.

After hearing the learned counsel for the parties, the Civil Judge (Junior Division), dismissed the application.

It is contended by the learned counsel for the petitioner before this court that one opportunity may be granted to the petitioner to cross examine the witnesses of the plaintiff so that the court would adjudicate the real controversy between the parties.

I do not find any merit in the contention of the learned counsel for the petitioner. The counsel for the petitioner while cross-examining the witnesses of the plaintiff was well conversant with the stand taken in the written statement and if any lapse has been committed by the counsel for the defendant while cross-examining the witnesses of the plaintiff, the same cannot be now allowed to fill up the lacuna which has cropped up in the case. The application was filed only with a view to delay the proceedings before the trial court.

This revision is devoid of any merit and the same is dismissed in limine.

3.8.2007. (R.S.Madan)
vs. Judge.